

No. X06-UWY-CV15-6050025-S	:	SUPERIOR COURT
	:	
DONNA L. SOTO, ADMINISTRATRIX OF	:	COMPLEX LITIGATION DOCKET
THE ESTATE OF VICTORIA L. SOTO, ET AL.	:	
	:	AT WATERBURY
v.	:	
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL.	:	SEPTEMBER 17, 2021

ANSWER AND SPECIAL DEFENSES

Defendants Remington Arms Company, LLC and Remington Outdoor Company, Inc. (collectively, “Defendants”) hereby submit this Answer and Special Defenses to Third Amended Complaint (“TAC”) filed by Plaintiffs on August 18, 2021 (Entry No. 364.00). Except as specifically admitted below, Defendants deny each and every allegation of the TAC.

COUNT ONE

1. Defendants deny the allegations in Paragraph 1.
2. Defendants deny the allegations in Paragraph 2 except admit that Bushmaster Firearms, also known as B.F.I. and B.F.I, Inc., was a Maine corporation formed in 1973 with a location in Windham, Maine and had manufactured, marketed, and sold AR-15 type rifles.
3. Defendants deny the allegations in Paragraph 3 except admit that Bushmaster Firearms was a Maine corporation and had manufactured, marketed, and sold AR-15 type rifles.
4. Defendants deny the allegations in Paragraph 4 except admit that Rambo Acquisition, LLC was formed as a Delaware limited liability company and changed its name to Bushmaster Firearms International, LLC in 2006 and that Bushmaster Firearms International, LLC was merged into Remington Arms Company, LLC in 2011.
5. Defendants deny the allegations in Paragraph 5 except admit that Bushmaster Firearms International, LLC manufactured, marketed, and sold AR-15 type rifles.
6. Defendants admit the allegations in Paragraph 6.
7. Defendants deny the allegations in Paragraph 7 except admit that that Remington Arms Company, LLC was a Delaware limited liability company, Bushmaster Firearms International, LLC was merged into Remington Arms Company, LLC in 2011, and Remington Arms Company, LLC manufactured, marketed, and sold AR-15 type rifles.

8. Defendants deny the allegations in Paragraph 8 except admit that Bushmaster Holdings, LLC was formed in 2006 and merged into Freedom Group, Inc. in 2009.

9. Defendants deny the allegations in Paragraph 9 except admit that Freedom Group, Inc., sometimes called Freedom Group, was a Delaware corporation that was formed under another name in 2007.

10. Defendants deny the allegations in Paragraph 10.

11. Defendants deny the allegations in paragraph 11 except that admit that Freedom Group, Inc. was ultimately renamed Remington Outdoor Company, Inc.

12. Defendants deny the allegations in Paragraph 12.

13. Defendants deny the allegations in Paragraph 13 except admit that Remington Arms Company, LLC manufactured, marketed, and sold Bushmaster brand firearms.

14. Defendants deny the allegations in Paragraph 14 except admit that Bushmaster Firearms International, LLC manufactured the Bushmaster XM15-E2S rifle that was used in the shooting at Sandy Hook Elementary School on December 14, 2012.

15. Defendants deny that there is an Exhibit A attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 15 and therefore leave Plaintiffs to their proof.

16. Defendants deny that there is an Exhibit B attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 16 and therefore leave Plaintiffs to their proof.

17. Defendants deny that there is an Exhibit C attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 17 and therefore leave Plaintiffs to their proof.

18. Defendants deny that there is an Exhibit D attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18 and therefore leave Plaintiffs to their proof.

19. Defendants deny that there is an Exhibit E attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 19 and therefore leave Plaintiffs to their proof.

20. Defendants deny that there is an Exhibit F attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 20 and therefore leave Plaintiffs to their proof.

21. Defendants deny that there is an Exhibit G attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 21 and therefore leave Plaintiffs to their proof.

22. Defendants deny that there is an Exhibit H is attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 22 and therefore leave Plaintiffs to their proof.

23. Defendants deny that there is an Exhibit I attached to TAC and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23 and therefore leave Plaintiffs to their proof.

24. Defendants deny the allegations in Paragraph 24.

25. Defendants deny the allegations in Paragraph 25.

26. Defendants deny the allegations in Paragraph 26.

27. Defendants deny the allegations in Paragraph 27.

28. Defendants deny the allegations in Paragraph 28.

29. Defendants deny the allegations in Paragraph 29.

30. Defendants deny the allegations in Paragraph 30.

31. Defendants deny the allegations in Paragraph 31.

32. Defendants deny the allegations in Paragraph 32.

33. Defendants deny the allegations in Paragraph 33.

34. Defendants deny the allegations in Paragraph 34.

35. Defendants deny the allegations in Paragraph 35.

36. Defendants deny the allegations in Paragraph 36.

37. Defendants deny the allegations in Paragraph 37.

38. Defendants deny the allegations in Paragraph 38.

39. Defendants deny the allegations in Paragraph 39.

40. Defendants deny the allegations in Paragraph 40.

- 41. Defendants deny the allegations in Paragraph 41.
- 42. Defendants deny the allegations in Paragraph 42.
- 43. Defendants deny the allegations in Paragraph 43.
- 44. Defendants deny the allegations in Paragraph 44.
- 45. Defendants deny the allegations in Paragraph 45.
- 46. Defendants deny the allegations in Paragraph 46.
- 47. Defendants deny the allegations in Paragraph 47.
- 48. Defendants deny the allegations in Paragraph 48.
- 49. Defendants deny the allegations in Paragraph 49.
- 50. Defendants deny the allegations in Paragraph 50.
- 51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT TWO

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

- 51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT THREE

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT FOUR

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants deny the allegations in Paragraph 53.

COUNT FIVE

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

COUNT SIX

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT SEVEN

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT EIGHT

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT NINE

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

COUNT TEN

1-50. Defendants hereby incorporate by reference their responses to Paragraphs 1-50 of Count One as if fully set forth herein.

51. Defendants deny the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore leave Plaintiffs to their proof.

53. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore leave Plaintiffs to their proof.

Defendants deny that Plaintiffs are entitled to any of the relief requested in the TAC.

SPECIAL DEFENSES TO ALL COUNTS

FIRST DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted because they have failed to plead facts necessary to allege causation-in-fact and proximate causation of their alleged damages.

SECOND DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the First Amendment to the United States Constitution because they seek to impose liability on Defendants for constitutionally protected forms of speech and expression.

THIRD DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the Article First of the Connecticut Constitution because they seek to impose liability on Defendants for constitutionally protected forms of speech and expression.

FOURTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the due process clause of the Fifth Amendment to the United States Constitution because the Connecticut Unfair Trade Practices Act ("CUTPA") is unconstitutionally vague as applied to the alleged conduct by Defendants and is unconstitutionally overbroad.

FIFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the Protection of Lawful Commerce in Arms Act ("PLCAA") which provides Defendants with federal statutory immunity from civil liability for Plaintiffs' claims.

SIXTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations because they were commenced more than three years after the alleged occurrence of a CUTPA violation by Defendants.

SEVENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrine of superseding cause because the intentional and criminal actions of Adam Lanza were a superseding cause of Plaintiffs' alleged injuries.

EIGHTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, because they received payments from third parties in complete or partial satisfaction of any damages incurred as a result of the occurrence alleged in the TAC.

RESERVATION OF RIGHTS

Defendants expressly reserve the right to amend or supplement this Answer and Special Defenses, including the right to raise any additional defenses not asserted herein that may be revealed during the course of discovery or other investigation or that are otherwise applicable.

DEFENDANTS REMINGTON ARMS
COMPANY LLC AND REMINGTON
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Their Attorneys

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been e-mailed this day to all counsel of record as follows:

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